



PROPOSED RULE MAKING
(RCW 34.05.320)

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Department of Labor & Industries		<input checked="" type="checkbox"/> Original Notice
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>04-04-099</u> ; or <input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).		<input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuance of WSR _____
<p>(a) Title of rule: (Describe Subject) What are the general obligations of a provider who provides medical or mental health services to a crime victim?</p> <p>Purpose: To clarify that all providers must comply with the department's rules and fee schedules. Mental Health providers must also comply with the Crime Victims Compensation Program Mental Health Treatment Rules and Fees.</p> <p>Other identifying information: none</p>		
(b) Statutory authority for adoption: RCW 7.68.030		Statute being implemented: RCW 7.68.030
<p>(c) Summary:</p> <p>WAC 296-30-081 (1)(a) instructs medical providers that they must comply with this chapter and the department's rules and fee schedules.</p> <p>WAC 296-30-081(1)(b) instructs mental health providers that they must comply with chapter 296-30 WAC and the Crime Victims Compensation Program's Mental Health Treatment Rules and Fees, chapter 296-31 WAC.</p> <p>WAC 296-31-070(1) instructs mental health providers that they must comply with the Crime Victims Compensation Program Mental Health Treatment Rules and Fees.</p> <p>Reasons supporting proposal: This rule is needed to clarify that all providers must comply with the department's rules and fee schedules and mental health providers must comply with both the department's rules and the Crime Victims Compensation Program Mental Health Treatment Rules and Fees.</p>		
(d) Name of Agency Personnel Responsible for:		Office Location
1. Drafting..... Janice Deal		Tumwater, Washington
2. Implementation.... Cletus Nnanabu		Tumwater, Washington
3. Enforcement..... Cletus Nnanabu		Tumwater, Washington
(e) Name of proponent (person or organization): Department of Labor & Industries		<input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental
(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters: n/a		
(g) Is rule necessary because of:		
Federal Law?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Citation:
State Court Decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(h) HEARING LOCATION: Department of Labor & Industries 7273 Linderson Way SW Tumwater, Washington 98501-4520 Date: <u>05/25/04</u> Time: <u>1:00pm</u> Assistance for persons with disabilities: Contact <u>Jill Short</u> by <u>05-03-04</u> at <u>TDD (360) 902-4974</u>		Submit written comments to: By 5pm on June 1, 2004 Janice Deal PO Box 44250 Olympia Washington 98504-4520 Fax: (360) 902-5333 email: deal235@lni.wa.gov
NAME (TYPE OR PRINT) Paul Trause		DATE OF INTENDED ADOPTION: July 2, 2004
SIGNATURE		CODE REVISER USE ONLY WSR#04-08-091
TITLE Director		
DATE April 6, 2004		

(j) Short explanation of rule, its purpose, and anticipated effects:

Currently WAC 296-30-081 (1)(a) instructs medical providers that they must comply with this chapter and the department's rules and fee schedules.

Currently WAC 296-30-081(1)(b) instructs mental health providers that they must comply with chapter 296-30 WAC and the Crime Victims Compensation Program's Mental Health Treatment Rules and Fees, chapter 296-31 WAC.

Currently WAC 296-31-070 (1) instructs mental health providers that they must comply with the Crime Victims Compensation Program's Mental Health Treatment Rules and Fees, chapter 296-31 WAC.

This rulemaking is needed to clarify that all providers must comply with the department's rules and fee schedules, and for mental health providers both the department's rules and the Crime Victims Compensation Program's Mental Health Treatment Rules and Fees.

Does proposal change existing rules? ☒ YES

☐ NO

If yes, describe changes:

It is being proposed that WAC 296-30-081 and WAC 296-31-070 be amended to clarify that all providers must comply with the department's rules and fees. Mental Health providers must also comply with the Crime Victims Compensation Programs Mental Health Treatment Rules and Fees. A new section is being added that instructs providers that they must submit a bill within one year of the date of service, date of claim allowance, or date of primary insurer's payment.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

telephoning: ()

faxing: ()

☒ No. Explain why no statement was prepared

In this case, the rule will not impose more than a minor cost on the provider business as the providers were always required to comply with the department's medical aid rules and fee schedules. The department's proposed amendment is only clarifying.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No

Please explain: The department's proposed amendment to WAC 296-30-081 and WAC 296-31-070 are only clarifying thus exempt from the requirements of RCW 34.05.328.